

Hon. Franklin D. Burgess

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	NO: CR 06-5220FDB
Plaintiff,)	
)	
v.)	ORDER ON AGREED MOTION FOR
)	RECONSIDERATION OF ORDER
Sergio Cisneros-Alvarez,)	DENYING TRIAL CONTINUANCE
)	
Defendant.)	

This matter having come on regularly before the court on the Agreed Motion for Reconsideration of Order Denying Trial Continuance (Ct. Rec 30) filed by the parties herein, RICHARD A. SMITH of Smith Law Firm on behalf of Defendant, Sergio Cisneros-Alvarez, and Michael Dion, AUSA, for Plaintiff United States of America, and the parties having agreed and stipulated to the matter before the Court, **THE COURT FINDS AS FACTS** the facts set forth in the Agreed Motion for Reconsideration of Order Denying Trial Continuance filed in this case.

THEREFORE, THE COURT FURTHER FINDS THAT:

1. That the period of time between June 12, 2006, and August 28, 2006, shall be excluded from computation under 18 U.S.C. §§ 3161(h)(8)(A), and 3161(h)(8)(B), because: (a) the failure to grant such a continuance would unreasonably deny the defendant and the Government continuity of counsel; (b) deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and (c) the failure to grant the continuance set forth in this Order would be likely to make a continuation of this proceeding impossible, or result in a miscarriage of justice.
2. That the ends of justice served by this continuance outweigh the best interest of the public

and the defendant in a speedy trial.

IT IS HEREBY ORDERED that the Agreed Motion for Reconsideration of Order Denying Trial Continuance is hereby GRANTED. The deadline for filing Defendant's PreTrial motions is **RESET** to July 6, 2006. The **TRIAL** date of June 12, 2006, is **STRICKEN** and **RESET** to August 28, 2006 at **9:00 a.m.** in **Tacoma, WA**. The **PRETRIAL CONFERENCE** of June 2, 2006, is **STRICKEN** and **RESET** to August 17, 2006 at 2:00 p.m. in **Tacoma, WA**

DONE IN OPEN COURT this 24th day of May, 2006.

/s/ Franklin D Burgess
FRANKLIN D BURGESS
United States District Court

Presented by: *Smith Law Firm*

/s/ Richard A. Smith
RICHARD A. SMITH, WSBA 15127
SMITH LAW FIRM
314 No. Second Street
Yakima, WA 98901
Telephone : (509) 457-5108
Facsimile : (509) 452-4601
E-Mail : rasmith@house314.com

/s/ Telephonic Authorization
Michael Dion, AUSA
U.S. Attorney's Office
1201 Pacific Avenue, Ste. 700
Tacoma, WA 98402
Telephone : 253-428-3824
E-mail : michael.dion@usdoj.gov